

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA PHILLIP LOWERY,
Plaintiff,
v.
BROWNNEN, et al.,
Defendants.

Case No. 2:23-cv-01566-TLN-JDP

ORDER

Plaintiff Joshua Phillip Lowery (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 24, 2025, the magistrate judge filed findings and recommendations herein which were served on plaintiff, and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

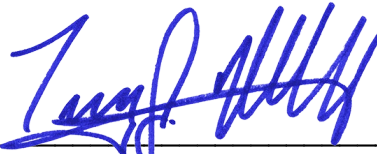
the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, January 24, 2024, are adopted in full;
2. This action is DISMISSED without prejudice for failure to prosecute and failure to comply with court orders for the reasons set forth in the December 12, 2024 order;
3. Defendant Roger's motion to compel (ECF No. 41) is DENIED as moot; and
4. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Date: February 19, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE